IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15529 of 2004

Between:

Smt. K. Narayanamma W/o K. Rangaramappa
r/o Kandakurivaripalli H/o Joukalakothapalli Village

Amadagur Mandal, Anantapur District

..... PETITIONER

AND

1 The Joint Collector, Anantapur
2 The Revenue Divisional Officer, Penukonda, Anantapur District
3 The Mandal Revenue Officer, Amadagur Mandal, Anantapur

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the order of the 1st respondent passed in D. Dis. NO. K4/PKD/920/2004 dated 18-8-2004 confirming the order of the 2nd respondent passed in Rc. NO. 1062/2004 dated 3-7-2004 as illegal arbitrary and contrary to the provisions of the Control order and consequently direct the respondents to permit the petitioner to distribute essential commodities.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondent Nos.1to3: GP FOR CIVIL SUPPLIES

The Court made the following :

-

-

-

-

-

ORAL ORDER:

The petitioner is the authorized dealer in respect of the fair price shop of Joukalakothapalli village, Amadagur Mandal, Anantapur District. Her authorization was suspended pending enquiry into the alleged irregularities in distribution of commodities vide proceedings of the Revenue Divisional Officer, dated 3.7.2004. Aggrieved by the same, the petitioner preferred an appeal before the first respondent-Joint Collector, Anantapur. Said appeal was dismissed by the first respondent by an order, dated 18.08.2004 and the Revenue Divisional Officer was directed to proceed as per the provisions of the APSPD System (Control) Order, 2001. Challenging the said order, this writ petition is filed.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies and perused the material on record.

3. As can be seen from the record, the first respondent passed the impugned order without affording any opportunity to the petitioner/appellant and without assigning any reasons in support of his conclusion. The first respondent being the competent authority to hear the statutory appeal, is expected to consider the merits of the case, particularly the question whether the suspension of authorization is warranted in the facts and circumstances of the case and ought to have recorded a finding to that effect. The impugned order which is cryptic and appears to have been passed mechanically without considering the nature of the allegations against the petitioner cannot be sustained and the matter requires reconsideration.

4 . Accordingly, the impugned order, dated 18.08.2004 is set aside and the writ petition is disposed of with a direction to the first respondent to consider the appeal afresh and pass appropriate orders in accordance with law after affording due opportunity to the petitioner as expeditiously as possible, preferably, within a period

of three weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No costs.

_____

31st August, 2004

To:

1 The Joint Collector, Anantapur
2 The Revenue Divisional Officer, Penukonda, Anantapur District
3 The Mandal Revenue Officer, Amadagur Mandal, Anantapur

District.

4 Two CCs to the Government Pleader for Civil Supplies, High

Court Building, Hyderabad. (OUT)

5 Two C.D. copies.

sj/gbs